

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CANAL INSURANCE COMPANY,

Plaintiff,

-against-

GINNETTI TRUCKING, LLC, a Connecticut Limited Liability Corporation, BRUCE LAURITZEN, individually, EDDYS N. GARCIA, as Administrator of the Goods, Chattels and Credits which were of WENDY SANTOS, deceased, EDDYS N. GARCIA, individually, EDDY I. GARCIA, an infant by his father and natural guardian, EDDYS N. GARCIA, KENNY J. GARCIA, an infant by his father and natural guardian, EDDYS N. GARCIA, OLGA GARCIA, individually, RAFAEL SALVADOR, individually, KEYLIE SALVADOR, an infant by her mother and natural guardian, OLGA GARCIA, ANGEL RIVERA, individually, EDART LEASING COMPANY, LLC, a Massachusetts Limited Liability Corporation, and DASILVA TAUNTON EXPRESS, a Massachusetts business entity, form unknown,

Defendants.

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Civil Action No. 1:08-CV-01588 GEL

Related to Civil Action Nos.:

1:07-CV-04045 GEL

1:07-CV-06192 GEL

1:08-CV-02957 GEL

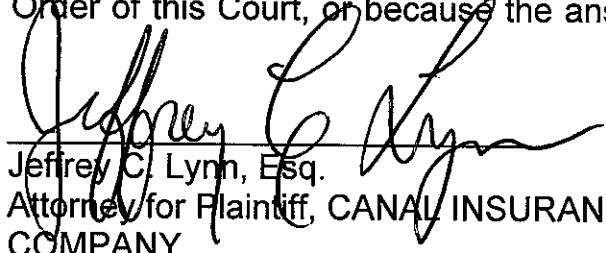
REQUEST TO ENTER DEFAULT  
AND CERTIFICATION

TO THE CLERK OF THE ABOVE NAMED COURT:

Please enter upon the docket the default of the defendant

**EDART LEASING COMPANY, LLC**

in the above entitled action for failure to plead or otherwise defend as provided by the rules of civil practice or by an Order of this Court, or because the answer of defendant has been stricken.

  
Jeffrey C. Lynn, Esq.  
Attorney for Plaintiff, CANAL INSURANCE  
COMPANY

**CERTIFICATION**

1. I am JEFFREY C. LYNN of McElfish Law Firm, counsel of record for the plaintiff, CANAL INSURANCE COMPANY, in the above-entitled action.

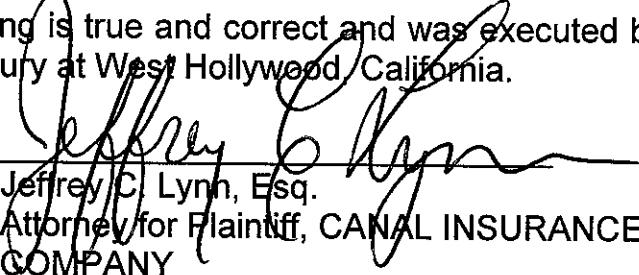
2. The summons and Complaint in the above-entitled action was served upon defendant, EDART LEASING COMPANY, LLC, on March 24, 2008 as appears from the copy of the Affidavit of Service attached hereto and incorporated by reference herein as Exhibit A.

3. The time in which said defendant may answer or otherwise move as to the Complaint has expired, and has not been extended or enlarged, and defendant named herein has answered or otherwise moved for relief from the court.

4. The defendant against whom a notation of default is sought, EDART LEASING COMPANY, LLC, is not a natural person, and is therefore not an infant, in the military or an incompetent person pursuant to Local Rule 55.1.

5. I declare that the foregoing is true and correct and was executed by the undersigned under penalty of perjury at West Hollywood, California.

Dated: July 11, 2008

  
Jeffrey C. Lynn, Esq.  
Attorney for Plaintiff, CANAL INSURANCE  
COMPANY

# **EXHIBIT A**

UNITED STATES DISTRICT COURT/SOUTHERN DISTRICT OF NEW YORK Attorney: MCSELFISH LAW FIRM

## CANAL INSURANCE COMPANY

- against -

## Plaintiff(s)

Index # 08 CV 1588

GINNETTI TRUCKING, LLC, A CONNECTICUT LIMITED LIABILITY CORPORATION, ETAL

Purchased February 15, 2008

File # LA33-112

## Defendant(s)

## AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

**DUPLICATE**

STEVEN C. AVERY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on March 24, 2008 at 09:00 AM at

SECRETARY OF STATE  
ALBANY, NY

deponent served the within SUMMONS AND COMPLAINT FOR DECLARATORY RELIEF AND INTERPLEADER; RULE 7.1 STATEMENT; MOTION TO ADMIT COUNSEL PRO HAC VICE on EDART LEASING COMPANY, LLC, A MASSACHUSETTS LIMITED LIABILITY CORPORATION therein named,

SECRETARY OF STATE a Domestic corporation by delivering two true copies to DONNA CHRISTIE, LEGAL CLERK personally, deponent knew said corporation so served to be the corporation described in said summons as said Defendant and knew said individual to be AUTHORIZED to accept thereof.

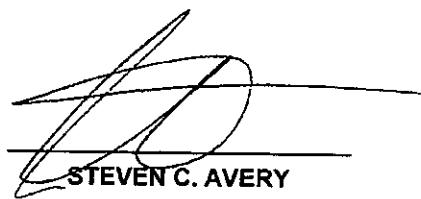
Service upon the N.Y.S. Secretary of State under Section 306 of the Business Corporation Law and tendering the required fee.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
<u>FEMALE</u>	<u>WHITE</u>	<u>BLONDE</u>	<u>35</u>	<u>5'5</u>	<u>140</u>

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: April 17, 2008

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4699723  
Qualified in New York County  
Expires February 10, 2010JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified in New York County  
Expires November 26, 2011JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2010  
STEVEN C. AVERY

Invoice #: 458803

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CANAL INSURANCE COMPANY

Plaintiff,  
-against-

cv ( )

PROOF OF SERVICE

GINNETTI TRUCKING, LLC. , a Connecticut  
Limited Liability Corporation, EDDYS N.  
GARCIA, as Administrator of the Goods,  
Chattels and Credits which were of WENDY  
SANTOS, deceased, EDDYS N. GARCIA,  
Individually, EDDY I. GARCIA, an infant by  
His father and natural guardian, EDDYS N.  
GARCIA, KENNY J. GARCIA, an infant by  
his father and natural guardian, EDDYS N.  
GARCIA, OLGA GARCIA, individually,  
RAFAEL SALVADOR, an infant by her  
Mother and natural guardian, OLGA  
GARCIA, ANGEL RIVERA, individually  
And EDART LEASING COMPANY, LLC, a  
Massachusetts Limited Liability Corporation,

Defendants,

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State of California )  
 ) ss:  
County of Los Angeles )

I am employed in the county of Los Angeles, California. I am over the age of 18 and not a party to the within action; my business address is 1112 N. Sherbourne Drive, West Hollywood, CA 90069. On the date stated below, I served the following documents:

**1) Request to Enter Default and Certification**

on the interested parties by placing true and correct copies thereof addressed as shown below:

Harold J. Derschowitz, Esq.  
Lester, Schwab, Katz & Dwyer, LLP  
120 Broadway  
New York, New York 10271-0071  
Attorneys for Ginnetti Trucking, LLC

Christopher L. Sallay

Gair, Gair, Conason, Steigman & Mackauf

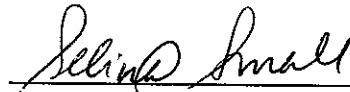
80 Pine Street

New York, New York 10005

Attorneys for Eddys N. Garcia, as Adminstrator of the  
Goods Chattels and Credist where were of Wendy  
Santos, deceased, Eddys N. Garcia, individually, Eddy I.  
Garcia, and infant by his father and natural guardian,  
Eddys N. Garcia, and Kenny J. Garcia, an infant by his  
father and natural guardian, Eddys N. Garcia

(X) BY FIRST CLASS MAIL: I caused said document(s) to be deposited in the United States Mail in a sealed envelope with postage fully prepaid at West Hollywood, California, following ordinary practice at my place of business of collection and processing of mail on the same day as shown on this declaration.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on July 11, 2008, at New York, New York.



Selina Small

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Selina Small